

"The National Marine Fisheries Service has substantial property holdings on the Islands. [NOAA] propose[s] to transfer this property, with a few exceptions, . . . , to the Islands. In the future, community and municipal services will be provided by Island organizations, and this property, which includes land, buildings, equipment and supplies, is vital to the provision of such services.

"Under [the NOAA] proposal, the Islands would be responsible for conducting the annual seal harvest and for the associated marketing of the seal skins. To assure the long-term success of this effort, we will provide all resources needed to conduct the 1983 harvest. Commencing in 1983 all [U.S. shares of] skins, seals and byproducts . . . will belong to the Islanders and when sold should provide you with the resources needed to successfully conduct future harvests. . . .

"The phase out of the Pribilof Islands Program will significantly reduce associated Federal jobs. We would except some of these jobs would naturally transfer to the Island-operated seal harvest and marketing and for the provision of Island services. During the harbor facility construction period, we can foresee many employment opportunities and once the fishing or other industries come on line, job possibilities should expand significantly."

A Memorandum of Intent signed by Calio and Island leaders were also included with this letter. This memorandum states: "The parties hereto recognize the State of Alaska's appropriation of the monies necessary to construct boat harbors on St. Paul and St. George Island . . . is an indispensable contribution to achieving the goal of self sufficiency on the Pribilof Islands."

Administrator Calio also laid out this plan in May 19, 1983, testimony on H.R. 2840, an Administration-drafted bill to provide for the orderly termination of Federal management of the Pribilof Islands before the Merchant Marine and Fisheries Committee. He stated the NOAA proposal, which was reflected in the bill, would "Create a \$20 million fund to replace annual Federal appropriations which, when combined with a state initiative to construct harbors on both islands, would give the Pribilovians the resources needed to make the transition to a self-sustaining economy; to transfer most real and personal property owned by the Federal Government to the islanders; to transfer responsibility for the fur seal harvest to the islanders; and to help the islanders get job training." Later in that testimony he again reiterated the importance of harbor construction to the success of this scheme, when he said, "The transfer of Federal property on the islands and the appropriation of the \$20 million, in concert with State contributions for the construction of harbors on each island, will give the Pribilovians the unique opportunity to develop a diversified and enduring economy."

The State of Alaska also testified at that hearing. The State witness made clear that, though Governor Sheffield had requested \$10.4 million for harbor construction, those funds had not been approved and may not be sufficient to complete the projects even if approved. The State also noted that:

"... given the checkered history of the Federal Government's relationship to the Pribilovians, there is a moral if not legal obligation that should not be overlooked.

"... we perceive the conception that the State of Alaska will simply fill the void created by the Federal Government's abrupt departure. We can make no such commitment

... the economic, social and infrastructure requirements of the Pribilofs are immense ...

"... the Federal Government must be willing to upgrade existing facilities to minimum State health and safety standards."

The Fur Seal Act Amendments of 1983 were adopted. The Federal Government did create and fund the \$20 million Trust Fund. The State of Alaska did not commit to, nor did it fund, construction of new harbors on the Islands. Real and personal property has been transferred by the Federal Government, but the municipalities maintain that it failed to meet the Islands public infrastructure needs. In 1984, the Senate failed to ratify the Fur Seal Treaty, thus ending fur seal harvests. Since three legs of the stool failed, most of the \$20 million was used to fund harbor construction, infrastructure repair and replacement, and social benefit needs. This delayed the development of a self-sufficient economy on the Islands.

In 1976, NOAA entered into a Memorandum of Understanding (MOU) with TDX and Tanaq which identified the tracts of property the government intended to retain. Under Section 3(e) of ANCSA, the government was directed to retain the "smallest practicable tracts enclosing land actually used in connection with the administration of a Federal installation." Therefore, the MOU served to let the village corporations know which lands were unavailable for selection under ANCSA.

Pursuant to Section 205 of the 1983 Amendments, NOAA entered into a Transfer of Property Agreement with the municipal governments, village corporations and tribal councils on the Islands and the State of Alaska to receive a portion of the property that was originally scheduled to be retained by NOAA. This agreement has withstood a court challenge, and most of the property has been transferred. Unfortunately, environmental contamination on much of the property has prevented the highest and best economic use of the land, and in other cases delayed the transfer altogether. NOAA and the State of Alaska signed the Pribilof Islands Environmental Restoration Agreement (Two Party Agreement). This document in conjunction with the cleanup requirements set forth in Public Law 104-91 govern NOAA's ongoing cleanup.

It is clear that the failure to construct harbors, transfer property, complete the environmental cleanup, or provide adequate municipal infrastructure, and the elimination of revenue from the fur seal harvest doomed to failure the transition scheme laid out by NOAA and adopted by Congress in 1983. To make good on the 1983 commitments, H.R. 3417 provides additional resources to the Islanders, and sets out the terms under which NOAA non-fur seal management responsibilities end. The bill provides grants to Island entities and grants to the State to construct solid waste management facilities. The bill also terminates NOAA's economic and municipal responsibilities after it has obligated whatever funds are appropriated for the authorized grants, completed the environmental cleanup, and transferred property under the TOPA.

I hope this letter clarifies for you the reason for, and intent of, H.R. 3417. I appreciate your support for this legislation.

Sincerely,

DON YOUNG,

Chairman, Committee on Resources.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has properly explained the bill, and I am pleased to rise in support of this important legislation sponsored by the gentleman from Alaska.

As Members of this body know, the chairman of the Committee on Resources is a forceful advocate for his Alaska constituents. The bill before the House today is improved in numerous respects from the version reported by the committee last April. As a result of the changes made to accommodate NOAA's concerns, it is my understanding the administration now supports the bill as amended.

There is also an attempt here to strike a responsible balance in this bill. There are now caps in the amounts authorized for the economic assistance grants to the Aleut Natives and to local governments, and I urge the Members of the House to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on H.R. 3417, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Neotropical Migratory Bird Conservation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species’ range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ACCOUNT.**—The term “Account” means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) **CONSERVATION.**—The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) **PROJECT APPLICANTS.**—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) **PROJECT PROPOSALS.**—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) **PROJECT REPORTING.**—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **SOURCE.**—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) **FORM OF PAYMENT.**—

(i) **PROJECTS IN THE UNITED STATES.**—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) **PROJECTS IN FOREIGN COUNTRIES.**—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) **IN GENERAL.**—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) **ADVISORY GROUP.**—

(1) **IN GENERAL.**—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) **PUBLIC PARTICIPATION.**—

(A) **MEETINGS.**—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) **NOTICE.**—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) **MINUTES.**—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) **ESTABLISHMENT.**—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the “Neotropical Migratory Bird Conservation Account”, which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) **DEPOSITS INTO THE ACCOUNT.**—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) **USE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) **ADMINISTRATIVE EXPENSES.**—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Neotropical Migratory Bird Conservation Act. Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many Neotropical migratory bird species has declined to dangerously low levels. There are many reasons for this population collapse, including hazards along migratory routes, pesticide use, and loss of essential habitat.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a neotropical migratory bird conservation account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior. I urge an "aye" vote on S. 148.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 148, the Neotropical Migratory Bird Conservation Act, and have cosponsored its companion in the House with the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG).

As the gentleman from Pennsylvania pointed out, this is a rather dramatic migration of billions of birds that takes place every year, but the populations of many of these birds are, in fact, threatened. This legislation is designed to take a proactive approach to reversing the decline of the neotropical migratory birds' populations.

Mr. Speaker, I urge the House to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S.148, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to present to the House S. 148, the Neotropical Migratory Bird Conservation Act.

Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many neotropical migratory bird species has declined to dangerously low levels. There are many reasons for this population collapse including competition among species, hazards along migration routes, pesticide use, and loss of essential habitat.

What is lacking is a strategic international plan for bird conservation, money for on-the-ground projects, public awareness, and any real cooperation between those countries where these birds live.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a Neotropical Migratory Bird Conservation Account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior.

S. 148 has been adopted by the other body, and today we are considering a modified version of that legislation. This bill supports conservation initiatives in the Caribbean, Latin America, and the United States; extends the authorization period until September 30, 2005; lowers the Federal matching requirement; reduces the amount of administrative expenses; and stipulates that not less than 75 percent of the money appropriated under this act must be spent on conservation projects undertaken outside the United States. This is simply recognition of the fact that most of the problems facing neotropical migratory birds occur in foreign migration routes and that every effort should be made to spend these limited Federal funds on conservation and not bureaucracy.

Furthermore, as the House author of H.R. 39, I do not expect that any of the money appropriated under this act will be spent on land acquisition in the United States.

Finally, I want to thank my good friend, Congressman RICHARD POMBO, for his willingness to work together on this proposal, and I compliment Senator SPENCER ABRAHAM for his tireless leadership on this important conservation measure.

I urge an "Aye" vote on S. 148.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4408) to reauthorize the Atlantic Striped Bass Conservation Act, as amended.

The Clerk read as follows:

H.R. 4408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

(1) \$1,000,000 to the Secretary of Commerce; and

(2) \$250,000 to the Secretary of the Interior."

SEC. 2. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce \$250,000 to carry out this section.